F.O. 881/7844

(7844.)

EAST AFRICA PROTECTORATE.

HIS MAJESTY'S HIGH COURT OF EAST AFRICA.

RULES MADE BY THE HIGH COURT WITH THE APPROVAL OF HIS MAJESTY'S COMMISSIONER UNDER ARTICLE 20 OF "THE EAST AFRICA ORDER IN COUNCIL, 1902."

No. 1 of 1902.

Court Fees.

1. The fees specified in the Schedule hereto annexed shall henceforth be levied in respect of the several proceedings mentioned therein.

2. These Rules may be cited as "The East Africa Court Fees Rules, 1902."

R. B. P. CATOR,
R. N. HAMILTON,
Judges of the High Court.

Mombasa, December 2, 1902.

Approved:

C. ELIOT,
His Majesty's Commissioner.

SCHEDULE.

SCALE OF FEES TO BE LEVIED IN HIS MAJESTY'S HIGH COURT OF EAST AFRICA.

I.—Civil.

		Rs.	a.	p.
1. For taking particulars of plaint		0	8	0
2. In all suits unless otherwise specified— Where the amount involved is—				
(*a.*) Not exceeding 10 rupees		0	8	0
(*b.*) Not exceeding 50 rupees		1	0	0
(*c.*) Exceeding 50 rupees and not exceeding 100 rupees		2	0	0
(*d.*) Exceeding 100 rupees	An additional fee of 2 rupees for every 100 rupees or part thereof up to 1,000 rupees, and an additional fee of 1 rupee for every 100 rupees in excess of 1,000 rupees. The whole fee levied not to exceed 1,000 rupees.			
3. On submission of special case, to include hearing		30	0	0
4. In every suit where it is impossible to estimate the subject-matter at a money value, and with regard to which no special fee is prescribed, unless in any class of cases the Judge otherwise orders		10	0	0
Provided that in every case where by reason of any finding or order of the Court a declaration of ownership of any money or property is made, an *ad valorem* fee at the same rate as in fee 2 shall at once become payable, less the fee already paid.				
5. In a suit for arrears of rent by landlord against tenant where an order for the possession of the property occupied is sought from the tenant	An *ad valorem* fee of 5 per cent. on the yearly rental of the property in addition to the fee leviable for recovery of rent under fee 2.			
6. On every interlocutory application, including the filing of an affidavit in support		3	0	0
7. On every order made thereon		2	0	0
8. On application for a mandamus or final prohibitory injunction unless the Judge otherwise orders		50	0	0
9. On every summons, motion, application or demand taken out, made or filed (not particularly charged)		5	0	0
10. On every decree or order (not particularly charged)		2	8	0
11. On order of adjournment of hearing rendered necessary by default of either party (to be paid by that party)	Such sum as the Judge may order, not exceeding	10	0	0
12. On every warrant of execution against goods—				
(*a.*) For less than 100 rupees	To include keeping possession for 15 days unless the Court otherwise order	2	0	0
(*b.*) For 100 rupees and not exceeding 500 rupees		5	0	0
(*c.*) For 500 rupees and not exceeding 1,000 rupees		10	0	0
(*d.*) For 1,000 rupees and upwards		20	0	0
13. On taking or passing an account by an officer of the Court, otherwise than in Court, unless the Judge otherwise orders		10	0	0
And in addition for every hour or part thereof after the first		5	0	0

II.—Criminal.

		Rs.	a.	p.
14. On every summons or warrant issued at the instance of a private individual unless specially directed by the Court to be issued free of charge		2	0	0
15. For service—				
(*a.*) Within 2 miles (English) of the Court issuing the same		1	0	0
(*b.*) Beyond that distance	Such fees as will cover the cost of service, but not less than 2 rupees.			

	Rs.	a.	p.
16. On hearing unless specially directed by the Court to be free	2	0	0
17. On warrant of commitment	1	0	0
18. On every recognizance or bail bond	1	0	0

19. On any proceedings taken at the instance of private individuals in respect of offences under Chapter XXI of the Indian Penal Code fees shall be charged as far as possible upon the same scale as in a civil action for damages unless the Judge otherwise orders.

III.—PROBATE AND ADMINISTRATION.

	Rs.	a.	p.
20. On application for probate or administration	15	0	0
21. On oath for every executor, administrator, or surety	7	8	0
22. On every security	15	0	0

Provided that the sum levied in respect of fees 20, 21, and 22, shall not in the aggregate exceed 5 per cent. of the net value of the estate.

23. On probate or administration in the Protectorate	The like sum as was payable in England for stamp duty under section 27 of the Act 44 Vict., cap. 12, in like cases.

Provided that where the Judge shall be satisfied that estate duty under "The Finance Act, 1894*"* (57 *&* 58 *Vict., cap.* 30)*, or under "The Finance Act,* 1896*"* (59 *&* 60 *Vict., cap.* 28)*, or any Act amending the same, has been paid in the United Kingdom in respect of property passing on the death of the deceased situate at any place within the jurisdiction of the Court, it shall be lawful for the Court to repay to the legal personal representative the amount paid in respect of that property on obtaining probate or administration.*

	Rs.	a.	p.
24. On filing account	10	0	0
25. On passing account	15	0	0

26. In the case of estates of less than 1,500 rupees gross value, in place of fees Nos. 20, 21, 22, 23, 24, and 25	5 per cent. on gross value of the estate, not exceeding 50 rupees.

	Rs.	a.	p.
27. On lodging a caveat	5	0	0

28. Where the Court itself winds up an estate or grants Probate or Administration to the Administrator-General of the Protectorate in his official capacity, a fee shall be charged at the rate of 2½ per cent. upon the total amount realized and 2½ per cent. upon the total amount distributed.

IV.—BANKRUPTCY AND LIQUIDATION BY ARRANGEMENT OR COMPOSITION.

	Rs.	a.	p.
29. On declaration by a debtor of inability to pay his debts	4	0	0
30. On application under Chapter XX of the Code of Civil Procedure	4	0	0
31. On bankruptcy petition	80	0	0
32. On petition for arrangement or composition	15	0	0
33. On order of adjudication	15	0	0
34. On meeting or adjournment of meeting	15	0	0
35. On order of discharge	30	0	0
36. On notice to creditors (each)	0	4	0
37. On preparing advertisement	4	0	0

Provided that if, on account of the small value of the estate, the Judge thinks fit to reduce any of the above fees (numbered 29 to 37), he may do so.

V.—MISCELLANEOUS.

38. For service of summons, petition, answer, motion-paper, notice, warrant, decree, order, or other document on a party, witness, assessors, or other person under any branch whatever of the civil jurisdiction—

(*a.*) Within 2 miles (English) of the Court issuing the same	1	0	0
(*b.*) Beyond that distance	Such fees as will cover the cost of service, but not less than 2 rupees.		

	Rs.	a.	p.
39. On the issue of every witness summons	1	0	0
40. For attending to view, in addition to all expenses incurred, unless the Judge otherwise orders	10	0	0
41. On taxation of any bill of costs, for every ten folios	5	0	0
42. On deposit of any document	15	0	0
43. For taking an affidavit	1	0	0
44. For every exhibit	0	8	0
45. For attending to administer an oath or affirmation, or to take a declaration elsewhere than at the offices of the Court, in addition to the ordinary fee thereon	5	0	0
46. On every deposition taken by the Judge before trial	5	0	0
47. On evidence taken on commission—			
(*a.*) To be charged by the officer taking the evidence	10	0	0
(*b.*) And in addition for every hour or part thereof after the first	5	0	0

48. On balances of estates of deceased persons paid into Court
49. For superintending or taking an inventory ... ...
50. On deposit of any money or valuables in Court ...

$2\frac{1}{2}$ per cent. on the amount or value up to 1,000 rupees and 1 per cent. above, in no case exceeding a total fee of 50 rupees.

51. On payment of money into Court in an action ... 1 per cent. not exceeding a total fee of 25 rupees.

	Rs.	a.	p.
52. On filing in the High Court any document for the filing whereof no other special fee is prescribed under the present Schedule	2	0	0
53. On filing in any Court, other than the High Court, any document for the filing whereof no other special fee is prescribed under the present Schedule	1	0	0
54. For certifying signature or seal	4	0	0
55. For attendance of an officer of the Court at a sale	10	0	0
And in addition for every hour or part thereof after the first	5	0	0
56. On reference to the archives	2	0	0
57. For certified copy of any document in the archives—			
(*a.*) For first folio of 100 words	2	0	0
(*b.*) For each subsequent folio	1	0	0
58. For uncertified copy of any document in the archives—			
(*a.*) For first four folios or part thereof	1	0	0
(*b.*) For each subsequent folio	0	4	0
59. For an official certified translation of any document—			
(*a.*) For first folio	8	0	0
(*b.*) For each subsequent folio	4	0	0
60. For communication with another Tribunal out of the jurisdiction of the Court ...	8	0	0
61. For communication with another Tribunal within the jurisdiction of the Court ...	2	0	0
62. On every recognizance or bail bond	1	0	0
63. On a reference to the High Court other than an appeal unless the Judge otherwise orders	10	0	0

VI.—APPEAL.

(A.) On Appeals from any Court within the Protectorate to any other Court within the Protectorate.

(i.) *In Civil Matters.*

64. On filing a memorandum of appeal ... ... An *ad valorem* fee of 4 rupees for every 100 rupees or part thereof, such fee not to exceed 40 rupees.

Provided that, if the appeal be abandoned, half the fee shall be returned.

65. On every appeal where it is not possible to estimate the subject-matter at a money value ... ... A fee not to exceed twice the fee charged in the lower Court.

Provided that, if the appeal be abandoned, half the fee shall be returned.

	Rs.	a.	p.
66. On every security for costs...	5	0	0

(ii.) *In Criminal Matters.*

	Rs.	a.	p.
67. On filing a memorandum of appeal	10	0	0

Provided that the Judge may reduce this fee at his discretion.

(B.)—On Appeal from the High Court to the Court of Appeal for Eastern Africa.

(i.) *In Civil Matters.*

	Rs.	a.	p.
68. On filing memorandum of appeal	50	0	0
69. On every security for costs	5	0	0
70. On record of appeal (including expenses of transmission)	Such sum as the Court may direct.		

(ii.) *In Criminal Matters.*

	Rs.	a.	p.
71. On the appeal	10	0	0

VII.—ON ADMISSION OF LEGAL PRACTITIONERS.

72. On certificate of admission to practice	200	0	0
73. On each annual renewal of such certificate	30	0	0

East Africa Protectorate. 2 Dec. 1902. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 2 May 2016.

URL
http://tinyurl.galegroup.com/tinyurl/3LiHs7